

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

STANLEY FLOREK,

Plaintiff,

v.

1:08-CV-0919

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

MARGOLIUS LAW OFFICE
7 Howard Street
Catskill, New York 12414

PETER M. MARGOLIUS, ESQ.

FOR THE DEFENDANT:

HON. ANDREW T. BAXTER
Acting United States Attorney
Northern District of New York
P. O. Box 7198
100 S. Clinton Street
Syracuse, New York 13261-7198

JOHN M. KELLY, ESQ.
Special Assistant U.S. Attorney

SOCIAL SECURITY ADMINISTRATION
Office of the General Counsel
Region II
26 Federal Plaza - Room 3904
New York, New York 10278

MARY ANN SLOAN, ESQ.
Acting Chief Counsel

NORMAN A. MORDUE, CHIEF U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 5th day of October 2009. Following ten days from the service

thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

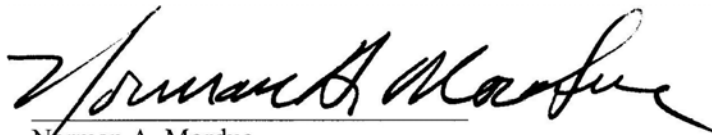
After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. The Defendant's motion for judgment on the pleadings is granted, the Commissioner's determination of no disability is affirmed, and plaintiff's complaint is dismissed in all respects.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: October 21, 2009
Syracuse, New York



Norman A. Mordue
Chief United States District Court Judge